

Fill in this information to identify your case:

United States Bankruptcy Court for the:

EASTERN DISTRICT OF NEW YORK

Case number (if known)

Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

| | | |
|--|---|---|
| 1. Debtor's name | BENJYS KOSHER PIZZA & DAIRY RESTAURANT INC. d/b/a BENJYS | |
| 2. All other names debtor used in the last 8 years Include any assumed names, trade names and doing business as names | | |
| 3. Debtor's federal Employer Identification Number (EIN) 26-4806541 | | |
| 4. Debtor's address | Principal place of business 72-72 Main Street Flushing, NY 11367 Number, Street, City, State & ZIP Code Queens County | Mailing address, if different from principal place of business P.O. Box, Number, Street, City, State & ZIP Code Location of principal assets, if different from principal place of business Number, Street, City, State & ZIP Code |
| 5. Debtor's website (URL) | | |
| 6. Type of debtor | <input checked="" type="checkbox"/> Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP)) <input type="checkbox"/> Partnership (excluding LLP) <input type="checkbox"/> Other. Specify: | |

Debtor **BENJYS KOSHER PIZZA & DAIRY RESTAURANT INC.**
d/b/a BENJYS
 Name

Case number (if known)

7. Describe debtor's business A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
 See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

7225

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7
☐ Chapter 9

☒ Chapter 11. Check all that apply:

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
☒ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
☐ A plan is being filed with this petition.
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11 (Official Form 201A) with this form.
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☒ No.
☐ Yes.

If more than 2 cases, attach a separate list.

| | | | | | |
|----------|-------|------|-------|-------------|-------|
| District | _____ | When | _____ | Case number | _____ |
| District | _____ | When | _____ | Case number | _____ |

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- ☐ No
☒ Yes.

List all cases. If more than 1, attach a separate list

| | | | |
|----------|---------------------|-----------------------|------------------|
| Debtor | Eved Nisanov | Relationship | Affiliate |
| District | EDNY | When | 3/12/18 |
| | | Case number, if known | _____ |

Debtor **BENJYS KOSHER PIZZA & DAIRY RESTAURANT INC.**
d/b/a BENJYS
 Name

Case number (if known)

11. Why is the case filed in this district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No

☐ Yes.

Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard?

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other

Where is the property?

Number, Street, City, State & ZIP Code

Is the property insured?

☐ No

☐ Yes. Insurance agency

Contact name

Phone

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

☒ 1-49

☐ 50-99

☐ 100-199

☐ 200-999

☐ 1,000-5,000

☐ 5,001-10,000

☐ 10,001-25,000

☐ 25,001-50,000

☐ 50,001-100,000

☐ More than 100,000

15. Estimated Assets

☒ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

16. Estimated liabilities

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☒ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

Debtor **BENJYS KOSHER PIZZA & DAIRY RESTAURANT INC.**
d/b/a BENJYS
 Name

Case number (if known)

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
 of authorized
 representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

3/12/18
 MM / DD / YYYY

X Eved Nisanov
 Signature of authorized representative of debtor

Eved Nisanov

Printed name

Title President

18. Signature of attorney

X [Signature]
 Signature of attorney for debtor

Date

3/12/18
 MM / DD / YYYY

Lawrence F. Morrison
 Printed name

Morrison Tenenbaum, PLLC
 Firm name

87 Walker Street, Second Floor
New York, NY 10013
 Number, Street, City, State & ZIP Code

Contact phone 212-620-0938

Email address info@m-t-law.com

2889590

Bar number and State

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 11

BENJYS KOSHER PIZZA AND DIARY
RESTAURANT INC. d/b/a BENJYS,

Case No. 17-_____ ()

Debtor.
-----X

CORPORATE RESOLUTION

At the meeting of the Board of Directors of Benjys Kosher Pizza and Dairy Restaurant Inc. ("Benjys"), a New York corporation, it was determined to be in the best interests of Benjys to file for bankruptcy under Chapter 11 of the United States Bankruptcy Code and the following resolution was adopted:

Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that Eved Nisanov, President of this corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that Eved Nisanov, President of this corporation, is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case; and

Be It Further Resolved, that Eved Nisanov, President of this corporation, is authorized and directed to employ Lawrence F. Morrison, attorney and the law firm of Morrison Tenenbaum, PLLC to represent the corporation in such bankruptcy case

Dated: New York, New York
March 12th, 2018

By Eved Nisanov
Eved Nisanov, President

**United States Bankruptcy Court
Eastern District of New York**

In re BENJYS KOSHER PIZZA & DAIRY RESTAURANT INC. d/b/a BENJYS
Debtor(s)

Case No. _____
Chapter 11

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

| Name and last known address or place of business of holder | Security Class | Number of Securities | Kind of Interest |
|--|----------------|----------------------|------------------|
| Eved Nisanov 68-33 Alderton Street Rego Park, NY 11374 | Common Stock | 200 | Equity |

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the President of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date March 12, 2018 Signature Eved Nisanov
Eved Nisanov

*Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

BENJYS KOSHER PIZZA AND DAIRY
RESTAURANT INC. d/b/a BENJYS

Chapter 11

Case No. 17-_____()

Debtor.
-----X

AFFIDAVIT PURSUANT TO E.D.N.Y. LOCAL BANKRUPTCY RULE 1007-2

STATE OF NEW YORK)
) ss:
COUNTY OF QUEENS)

I, Eved Nisanov duly sworn, depose and say:

1. I am the President of Benjys Kosher Pizza and Dairy Restaurant Inc. ("Debtor"), and as such I am familiar with the operations, business and financial affairs of the Debtor. I submit this Affidavit in accordance with the E.D.N.Y. Local Bankruptcy Rules in support of the voluntary petition filed by the Debtor under Chapter 11 of title 11 of the United States Code ("Bankruptcy Code").

2. There is no pending bankruptcy case against the Debtor and this petition is filed as a voluntary Chapter 11 proceeding.

3. The Debtor operates a pizzeria and ice cream restaurant at 72-72 Main Street, Flushing New York 11367. The Debtor was incorporated on May 5, 2009.

4. The Debtor is filing a voluntary petition under Chapter 11 of the Bankruptcy Code due to a pending federal labor standard act action in the Eastern District of New York.

5. I have 100% of the ownership interest as principal in the Debtor.

6. A list of the Debtor's top twenty (20) largest unsecured creditors was filed.

7. Currently, the estimated average monthly revenue is about \$ 38,000.
The Debtor has 5 employees, and the estimated average monthly payroll is approximately
\$ 4,000 a month, including payroll taxes. The other expenses are as follows:

- a. Officer compensation: \$ 1,200 per month
- b. Estimated Cost of Goods Sold: about \$ 17,540.16 a month
- c. Estimated Operating expenses, incl. rent: about \$ 13,775 a month

8. All required schedules, if not filed with the voluntary petition on the date of filing,
will be filed within fourteen (14) days of the date filing the Debtor's voluntary petition, which will
provide a list of the Debtor's assets, secured creditors and other information required.

Eved Nisanov
By: Eved Nisanov

Sworn to before me this 9 day of
March, 2018

Fred Latai
Notary Public

Fred Latai
FARAHANZ FRED LATAI
Notary Public, State of New York
01LA0084018
Qualified in Nassau County
Commission Expires

03/09/2018
march/9/2018

Fill in this information to identify the case:

Debtor name **BENJYS KOSHER PIZZA & DAIRY RESTAURANT INC. d/b/a BENJYS**

United States Bankruptcy Court for the: **EASTERN DISTRICT OF NEW YORK**

Case number (if known): _____

☐ Check if this is an amended filing

Official Form 204**Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

| Name of creditor and complete mailing address, including zip code | Name, telephone number and email address of creditor contact | Nature of claim (for example, trade debts, bank loans, professional services, and government contracts) | Indicate if claim is contingent, unliquidated, or disputed | Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim. | | |
|--|--|---|--|--|---|-----------------|
| | | | | Total claim, if partially secured | Deduction for value of collateral or setoff | Unsecured claim |
| Chase Bank-Credit Cards Bankruptcy Dept. PO Box 15298 Wilmington, DE 19850 | | Credit card purchases | Unliquidated | | | \$7,000.00 |
| Chase USA NA Bankruptcy Dept PO Box15298 Wilmington, DE 19850 | | | Unliquidated | | | \$30,000.00 |
| Rogelio Ayala Zacarias c/o Law Offices of William Cafaro 108 W. 39th St, Ste. 602 New York, NY 10018 | | | Disputed | | | \$0.00 |

**United States Bankruptcy Court
Eastern District of New York**

In re BENJYS KOSHER PIZZA & DAIRY RESTAURANT INC. d/b/a BENJYS
Debtor(s)

Case No.
Chapter

11

VERIFICATION OF CREDITOR MATRIX

The above named debtor(s) or attorney for the debtor(s) hereby verify that the attached matrix (list of creditors) is true and correct to the best of their knowledge.

Date: March 8, 2018

Eved Nisanov
Eved Nisanov/President

Chase Bank-Credit Cards
Bankruptcy Dept.
PO Box 15298
Wilmington, DE 19850

Chase USA NA
Bankruptcy Dept
PO Box15298
Wilmington, DE 19850

Rogelio Ayala Zacarias
c/o Law Offices of
William Cafaro
108 W. 39th St, Ste. 602
New York, NY 10018

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

**STATEMENT PURSUANT TO LOCAL
BANKRUPTCY RULE 1073-2(b)**

DEBTOR(S): BENJYS KOSHER PIZZA & DAIRY RESTAURANT
INC. d/b/a BENJYS

CASE NO.: _____

Pursuant to Local Bankruptcy Rule 1073-2(b), the debtor (*or any other petitioner*) hereby makes the following disclosure concerning Related Cases, to the petitioner's best knowledge, information and belief:

[NOTE: Cases shall be deemed "Related Cases" for purposes of E.D.N.Y. LBR 1073-1 and E.D.N.Y. LBR 1073-2 if the earlier case was pending at any time within eight years before the filing of the new petition, and the debtors in such cases: (i) are the same; (ii) are spouses or ex-spouses; (iii) are affiliates, as defined in 11 U.S.C. § 101(2); (iv) are general partners in the same partnership; (v) are a partnership and one or more of its general partners; (vi) are partnerships which share one or more common general partners; or (vii) have, or within 180 days of the commencement of either of the Related Cases had, an interest in property that was or is included in the property of another estate under 11 U.S.C. § 541(a).]

☐ NO RELATED CASE IS PENDING OR HAS BEEN PENDING AT ANY TIME.

☒ THE FOLLOWING RELATED CASE(S) IS PENDING OR HAS BEEN PENDING:

1. CASE NO.: _____ JUDGE: _____ DISTRICT/DIVISION: **EDNY**

DEBTOR NAME: **Eved Nisanov**

CASE STILL PENDING (Y/N): **Y** [If closed] Date of closing: _____

CURRENT STATUS OF RELATED CASE: _____
(Discharged/awaiting discharge, confirmed, dismissed, etc.)

MANNER IN WHICH CASES ARE RELATED (*Refer to NOTE above*): **Affiliate**

REAL PROPERTY LISTED IN DEBTOR'S SCHEDULE "A" ("REAL PROPERTY") WHICH WAS ALSO LISTED IN SCHEDULE "A" OF RELATED CASE: _____

2. CASE NO.: _____ JUDGE: _____ DISTRICT/DIVISION: _____

CASE STILL PENDING (Y/N): _____ [If closed] Date of closing: _____

CURRENT STATUS OF RELATED CASE: _____
(Discharged/awaiting discharge, confirmed, dismissed, etc.)

MANNER IN WHICH CASES ARE RELATED (*Refer to NOTE above*): _____

REAL PROPERTY LISTED IN DEBTOR'S SCHEDULE "A" ("REAL PROPERTY") WHICH WAS ALSO LISTED IN SCHEDULE "A" OF RELATED CASE: _____

3. CASE NO.: _____ JUDGE: _____ DISTRICT/DIVISION: _____

CASE STILL PENDING (Y/N): _____ [If closed] Date of closing: _____

(OVER)

DISCLOSURE OF RELATED CASES (cont'd)

CURRENT STATUS OF RELATED CASE: _____
 (Discharged/awaiting discharge, confirmed, dismissed, etc.)

MANNER IN WHICH CASES ARE RELATED (Refer to NOTE above): _____

REAL PROPERTY LISTED IN DEBTOR'S SCHEDULE "A" ("REAL PROPERTY") WHICH WAS ALSO LISTED IN SCHEDULE "A" OF RELATED CASE: _____

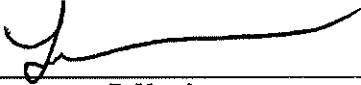
NOTE: Pursuant to 11 U.S.C. § 109(g), certain individuals who have had prior cases dismissed within the preceding 180 days may not be eligible to be debtors. Such an individual will be required to file a statement in support of his/her eligibility to file.

TO BE COMPLETED BY DEBTOR/PETITIONER'S ATTORNEY, AS APPLICABLE:

I am admitted to practice in the Eastern District of New York (Y/N): Y

CERTIFICATION (to be signed by pro se debtor/petitioner or debtor/petitioner's attorney, as applicable):

I certify under penalty of perjury that the within bankruptcy case is not related to any case now pending or pending at any time, except as indicated elsewhere on this form.



Lawrence F. Morrison
 Signature of Debtor's Attorney
Morrison Tenenbaum, PLLC
87 Walker Street, Second Floor
New York, NY 10013
212-620-0938 Fax:646-390-5095

 Signature of Pro Se Debtor/Petitioner

 Signature of Pro Se Joint Debtor/Petitioner

 Mailing Address of Debtor/Petitioner

 City, State, Zip Code

 Area Code and Telephone Number

Failure to fully and truthfully provide all information required by the E.D.N.Y. LBR 1073-2 Statement may subject the debtor or any other petitioner and their attorney to appropriate sanctions, including without limitation conversion, the appointment of a trustee or the dismissal of the case with prejudice.

NOTE: Any change in address must be reported to the Court immediately IN WRITING. Dismissal of your petition may otherwise result.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

IN RE:

BENJYS KOSHER PIZZA & DAIRY
RESTAURANT INC. d/b/a BENJYS

Chapter 11

Case No.:

Debtor(s)

STATEMENT PURSUANT TO LOCAL RULE 2017

I, Lawrence F. Morrison, an attorney admitted to practice in this Court, state:

1. That I am the attorney for the above-named debtor(s) and am fully familiar with the facts herein.
2. That prior to the filing of the petition herein, my firm rendered the following services to the above-named debtor(s):

| <u>Date\Time</u> | <u>Services</u> |
|------------------|--|
| March 9, 2018 | Initial interview, analysis of financial condition, etc. |
| March 11, 2018 | Preparation and review of Bankruptcy petition |

3. That my firm will also represent the debtor(s) at the first meeting of creditors.
4. That all services rendered prior to the filing of the petition herein were rendered by my firm.
5. That my usual rate of compensation of bankruptcy matters of this type is \$ 525.

Dated:



Lawrence F. Morrison
Attorney for debtor(s)
Morrison Tenenbaum, PLLC
87 Walker Street, Second Floor
New York, NY 10013

212-620-0938 Fax: 646-390-5095
Info@m-t-law.com